

IN THE DISTRICT COURT OF THE UNITED STATES

for the Western District of New York

OCTOBER 2023 GRAND JURY
(Impaneled October 27, 2023)

THE UNITED STATES OF AMERICA INDICTMENT

-vs-

MAX YANG CHEN

Violations:

Title 18, United States Code,
Sections 1028A(a)(1) , 1030(a)(2)(C) and
2261A(2)(B)
(9 Counts and 2 Forfeiture Allegations)

COUNTS 1-3

(Obtaining Information from a Protected Computer)

The Grand Jury Charges That:

Between and in or about the dates set forth below, in the Western District of New York, and elsewhere, the defendant, **MAX YANG CHEN**, intentionally accessed a computer without authorization, and thereby obtained information related to the victims set forth below, persons known to the Grand Jury, from a protected computer, and the offense was committed in furtherance of a criminal or tortious act in violation of the laws of the United States.

Counts	Date	Victim
1	On or about June 18, 2023, the exact date being unknown	1
2	On or about April 20, 2021, the exact date being unknown	2
3	On or about March 14, 2021, the exact date being unknown	3

All in violation of Title 18, United States Code, Sections 1030(a)(2)(C) and (c)(2)(B)(ii).

COUNTS 4-6

(Cyberstalking)

The Grand Jury Charges That:

Between and in or about the dates set forth below, in the Western District of New York, and elsewhere, the defendant, **MAX YANG CHEN**, with the intent to harass and intimidate the victims set forth below, persons known to the Grand Jury, did use an electronic communication service, an electronic communication system of interstate commerce, and a facility of interstate and foreign commerce to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause, substantial emotional distress.

Counts	Date	Victim
4	On or about June 18, 2023, the exact date being unknown	1
5	Between on or about June 21, 2022 and on or about December 17, 2022, the exact date being unknown	2
6	On or about October 7, 2021, the exact date being unknown	3

All in violation of Title 18, United States Code, Section 2261A(2)(B).

COUNTS 7-9**(Aggravated Identity Theft)****The Grand Jury Charges That:**

Between and in or about the dates set forth below, in the Western District of New York, and elsewhere, the defendant, **MAX YANG CHEN**, did knowingly transfer, possess, and use, without lawful authority, the means of identification of other persons, that is, the social media accounts of the victims set forth below, persons known to the Grand Jury, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), that is a violation of Title 18, United States Code, Section 1030(a)(2)(C), knowing that the means of identification belonged to another actual person.

Counts	Date	Victim
7	On or about June 18, 2023, the exact date being unknown	1
8	On or about April 20, 2021, the exact date being unknown	2
9	On or about March 14, 2021, the exact date being unknown	3

All in violation of Title 18, United States Code, Section 1028A(a)(1).

FIRST FORFEITURE ALLEGATION**The Grand Jury Alleges That:**

Upon conviction of any of the offenses set forth in Counts 1 through 3 of this Indictment, the defendant, **MAX YANG CHEN**, shall forfeit to the United States all his right, title, and interest any property, real or personal, constituting or derived from, proceeds the person obtained directly or indirectly, as the result of such violations, and any personal

property that was used or intended to be used to commit or to facilitate the commission of such violations.

All pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1030(i)(1)(A) and (B).

SECOND FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon conviction of any of the offenses set forth in Counts 7 through 9 of this Indictment, the defendant, **MAX YANG CHEN**, shall forfeit to the United States all his right, title, and interest any property, real or personal, constituting or derived from, proceeds the person obtained directly or indirectly, as the result of such violations, and any personal property used or intended to be used to commit of the offenses.

All pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1028(b)(5).

DATED: Buffalo, New York, March 5, 2024.

TRINI E. ROSS
United States Attorney

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A TRUE BILL:

S/ FOREPERSON
FOREPERSON